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LETTER DATED 9 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter addressed to you, from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation. I would be grateful if this letter be distributed as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDEIRI
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex

Letter dated 8 December 1992 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

[Original: Arabic]

I have the pleasure to convey to you sincere greetings and the greatest appreciation for the outstanding efforts you are making to seek a peaceful solution to the ongoing crisis between my country and the United Kingdom, France and the United States of America.

I take the occasion of assuming my functions as Secretary of the General People's Committee of the People's Bureau for Foreign Liaison and International Cooperation to express to you my full readiness to cooperate with you and with the Security Council with a view to reaching a peaceful solution to the ongoing crisis between my country and the three countries concerned.

As you are aware, the Jamahiriya has on several occasions proclaimed its condemnation of international terrorism in all its forms and has affirmed its acceptance of and readiness for full and constructive cooperation for the implementation of the provisions of Security Council resolution 731 (1992).

In this connection, my country has undertaken the following:

1. It has severed its relations with all groups and organizations suspected of involvement in acts of terrorism.

2. It does not permit its territory, its nationals or its institutions to be used for the commission, directly or indirectly, of acts of terrorism, and it is prepared to impose the severest penalties on anyone proved to have been involved in such acts.

3. It has declared that there are not in its territory any camps for the training of terrorists, and it has invited the Security Council or any international body it may appoint to verify that fact on the spot.

4. It has cooperated constructively with the Government of the United Kingdom, as attested by British officials themselves, with a view to tracing those elements and organizations accused by the United Kingdom of involvement in terrorist acts.

5. It has maintained contacts and facilitated direct and intensive talks between the judicial authorities of the French Republic and of the Jamahiriya with a view to determining responsibility in the case of the bombing of the French UTA flight 772.

The French and Libyan investigating magistrates have met each other on a number of occasions, and the French examining magistrate has examined the records of the investigation conducted by the Libyan magistrate entrusted with the case. It has been agreed that the French magistrate should come to the Jamahiriya to complete his investigations and, despite the obstacle that has prevented that, contacts between my country and the French authorities continue to be maintained for the purpose of making renewed arrangements for the French magistrate to come to Libya.

My country has also cooperated with the French authorities in respect of their other requests as set forth in document S/23306, submitted to the Secretary-General on 30 December 1991.

Having undertaken all of the foregoing, my country believes that there remains only the matter of the legal prosecution of the two Libyans suspected of being connected with the case of United States Pan Am flight 103, which crashed over Locherbie, Scotland, in 1988.

As you know, and as is the legal norm in all countries of the world, the laws of my country prohibit the extradition of its subjects to other countries. Moreover, the 1971 Montreal Convention lays down the procedures relating to jurisdiction in such cases and, immediately its two citizens were charged, my country appointed an investigating magistrate and expressed its full readiness to cooperate with the judicial authorities in the countries concerned with a view to elucidating the truth. Its action did not, regrettably, meet with a positive response from the parties concerned.

Accordingly, the People's Bureau for Foreign Liaison and International Cooperation presented the issue to the Basic People's Congresses (the legislative authority), and they adopted a resolution to the effect that they had no objection to the two suspects being brought before a just and fair tribunal to be agreed upon. That resolution was communicated to you at the time.

On the basis of the resolution adopted by the Basic People's Congresses, my country declared that, while it had no objection to the two suspects appearing of their own accord before United States or British courts, it was prepared to enter into negotiations with the countries in question, under the auspices of the Secretary-General of the United Nations, on the trial being held in a neutral country to which the parties to the dispute had no objection and in which there was every guarantee of arriving at the truth, which we deem to have been the goal sought by Security Council resolution 731 (1992).

Our proposal that the trial should be held in a neutral country had been prompted by the desire that there should be every legal and psychological guarantee of reaching the truth as soon as possible. If the parties concerned are confident of the probative value of their evidence, it is meaningless to insist that the trial should be held in their territory without any support in law or in international covenants.

The focus should now be on the site of the trial and not on the principle of prosecution, which we not only support but insist upon.

On the basis of the foregoing, it must be obvious to you that Libya has earnestly and effectively implemented Security Council resolution 731 (1992). In requesting you to present the tenor of this letter to the Security Council, it hopes that you will exercise your good offices with a view to seeking a positive response to this initiative from the parties concerned so that a solution is reached that will ensure that the truth is brought to light and the file on this case is closed. There is henceforth no justification for its continuance except if the countries in question are seeking to invoke this issue in order to achieve other objectives.

I am sure you agree with me that what my country has done in terms of its compliance with all the requirements of Security Council resolution 731 (1992) and the practical proposals that we have presented to you in this letter will remove any justification for the continued implementation of Security Council resolution 748 (1992). The latter resolution has inflicted on the Libyan people grave damage and a great ordeal, and I transmit to you herewith a detailed dossier thereon with the request that you present it to the Security Council. I request you to use your best endeavours to have resolution 748 (1992) rescinded, given that the reasons for its maintenance no longer obtain.

(Signed) Omar Mustafa AL-MUNTASIR
Secretary of the General People's Committee
for Foreign Liaison
and International Cooperation